

**R277. Education, Administration.**

**R277-612. Foreign Exchange Students.**

**R277-612-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Foreign exchange student" means a student sponsored by an agency approved by the district's local school board or charter school's governing board, subject to the limitation of Section 53A-2-206(2).

C. "USOE" means the Utah State Office of Education.

**R277-612-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-2-206(2) which directs the Board to make rules to administer the cap on the number of foreign exchange students for purposes of apportioning state monies for the students, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to administer the cap on the number of foreign exchange students that may be counted by school districts and charter schools for state funding. An additional purpose of the rule is to provide guidance to school districts and charter schools in working with exchange student agencies and accepting foreign exchange students to provide for safety and fairness to the exchange students and Utah public school students.

**R277-612-3. Foreign Exchange Student Cap.**

A. School districts and charter schools shall be compensated from a specific legislative appropriation designated annually to pay the costs of educating foreign exchange students who meet all criteria of the law.

B. School districts and charter schools are encouraged to enroll foreign exchange students and report those enrollment numbers annually to the USOE in the October 1 Superintendents' Report.

C. When the number of reported foreign exchange students reaches 250 in a school year, the USOE may notify school districts of quotas in enrolling foreign exchange students or may seek funding for a USOE employee to promote the program among school districts and charter schools and ensure that all requirements of the law are satisfied by foreign exchange student agencies, foreign exchange students, school districts and charter schools.

D. School districts and charter schools shall include in their report to the USOE only foreign exchange students that satisfy all requirements of 53A-2-206(6) and school district/charter school policies. School districts/charter schools may enroll foreign exchange students who do not qualify for state monies and pay the costs of those students with other school district/charter school funds or charge the students tuition.

**R277-612-4. School District Policy for Working with Foreign Exchange Student Agencies and Protecting Foreign Exchange Students and Utah Students.**

A. School districts and charter schools that enroll foreign exchange students shall have a policy that satisfies the requirements of 53A-2-206(6) in addition to other provisions which create a safe environment for foreign exchange students and school district/charter school students.

B. Each school district/charter school shall, prior to accepting students through the foreign exchange student agency, require and maintain from each foreign exchange student entity from which the district/charter school accepts students, a sworn affidavit of compliance that the agency has complied with all applicable policies of the local board of education or the charter school including the following:

(1) agency has complied with all applicable policies of the local board of education/charter school governing board;

(2) a household study, including a background check consistent with 53A-3-410, of all adult residents has been completed of each household where foreign exchange students will reside and the information has been reviewed and concerns satisfied by an appropriate school district employee;

(3) a background study assures that the exchange student will receive proper care and supervision in a safe environment;

(iv) host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

(4) a representative of the exchange student agency shall visit each student's place of residence at least monthly during the student's stay in Utah;

(5) the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;

(6) each exchange student will be given, in the exchange student's native language, names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and

(7) alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

C. Each school district/charter school that accepts foreign exchange students shall provide each approved foreign exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.

D. The agency shall make a copy of the list provided by the school district/charter school to each foreign exchange student in the student's native language.

KEY: foreign exchange students, enrollment

Date of Enactment or Last Substantive Amendments: May 9, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-2-206(2), 53A-1-401(3)